



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

August 7, 2025

BY ECF

Hon. Lewis J. Liman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States of America v. LabQ Clinical Diagnostics, LLC, et al.*
No. 22 Civ. 751 (LJL), No. 22 Civ. 10313 (LJL)

Dear Judge Liman:

This Office represents the United States in this False Claims Act case. We write jointly with defendants LabQ Clinical Diagnostics, LLC, Moshe Landau, Dart Medical Laboratory, Inc., and Community Mobile Testing, Inc. (the “FCA Defendants”) to seek partial modification of the operative protective order in this case, Dkt. No. 307, so that the Government may produce sensitive Government documents to the Defendants with additional restrictions on disclosure.

During the course of discovery, the FCA Defendants requested that the Government produce certain sensitive internal Government documents, including documents that reveal methodologies used by the Government during law enforcement investigations. Pursuant to Paragraph 10 of the operative protective order, which governs additional limits on disclosure, the Government has notified Defendants that it is willing to produce some of these sensitive documents on an attorneys’-eyes-only basis to the FCA Defendants, pursuant to the limitations set forth below. The FCA Defendants consent to this these additional limitations.

The Government and FCA Defendants thus respectfully request that the Court so-order the following¹:

The Government may designate Discovery Material as “Attorneys’ Eyes Only” if such Discovery Material contains sensitive government information, including information that may reveal law enforcement methodologies. Documents designated in whole or in part as “Attorneys’ Eyes Only” by the Government shall also be deemed to be Confidential Information. Any material designated as “Attorneys’ Eyes Only” shall be maintained on an attorneys’-eyes-only basis by the counsel for the party that requested such material (the “Requesting Party”)

¹ All defined terms are defined herein or in the operative protective order,

and defense counsel shall not share any attorneys'-eyes-only material with any other persons, including defendants, except for:

- (a) counsel retained specifically for this Action by the Requesting Party, including any paralegal, clerical and other assistant employed by such counsel and assigned to this matter;
- (b) outside vendors or service providers (such as copy-service providers and document-management consultants, graphic production services or other litigation support services) that the Requesting Party's counsel hire and assign to this matter, including computer service personnel performing duties in relation to a computerized litigation system;
- (c) any witness who counsel for a Requesting Party in good faith believes may have relevant knowledge regarding the protected material, provided such person has first executed the Non-Disclosure Agreement annexed to the operative protective order and does not maintain or keep any copies of the protected material;
- (d) any person retained by the Requesting Party to serve as an expert witness or otherwise provide specialized advice to counsel in connection with this Action, provided such person has first executed the Non-Disclosure Agreement form annexed to the operative protective order;
- (e) stenographers engaged to transcribe depositions conducted in this Action;
- (f) this Court, including any appellate court, and the court reporters and support personnel for the same.

We thank the Court for its consideration of this request.

Respectfully submitted,

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cc: Counsel of Record (by ECF)